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REMARKS/ARGUMENTS

Applicant elected to file a Continuation patent application to respond to the new grounds of rejection stated in the Examiner's 11/25/03 Final Office Action in the parent application, Serial No. 09/747,748. In connection with the filing of the present Continuation application, Applicant has submitted a request for a three month extension of time for the pending parent application together with the appropriate fee. In this Preliminary Amendment, Applicant has cancelled all previously pending claims numbered 1-25 and has submitted new Claims 26-39. Claims 26 and 33 represent independent method claims.

The FIG. 1 diagram below represents a simplified visual aid submitted solely for the purpose of providing a visual outline of the structure of new Claim 26:

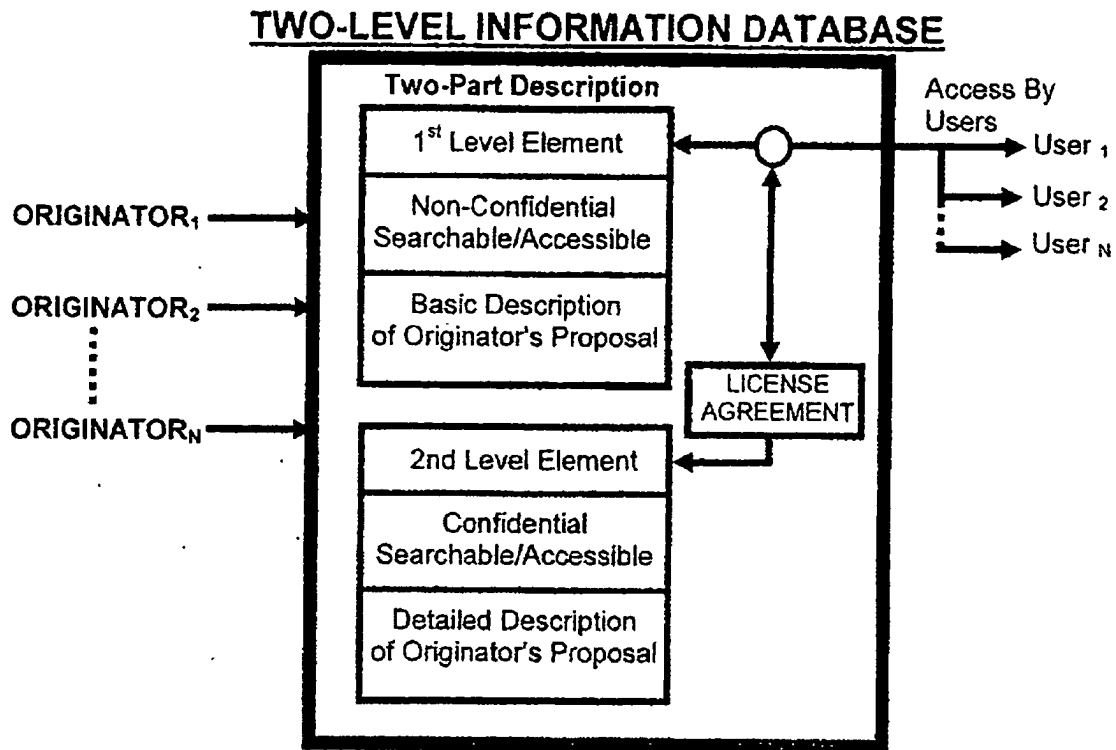


Fig. 1

Claim 26 as stated in the preamble recites, "A method for using a computer to enable users to facilitate and control sequential access to a two-level information database created by inputs supplied by originators." The FIG. 1 diagram illustrates that a series of originators each separately submits a two-part description which includes a non-confidential, first-level element in the form of a searchable and accessible basic description. As further illustrated in FIG. 1, the two-part description also includes a confidential second-level element in the form of a searchable, but non-accessible detailed description of each originator's proposal.

FIG. 1 also illustrates that users are permitted to access, search, review and select without restriction only the non-confidential first-level elements of the stored two-part descriptions. After a particular user has "selected" a particular first-level element and wishes to access, search and review the restricted confidential second-level element of a selected stored two-part description corresponding to the selected first-level element, the selecting user is presented with a license agreement including a confidentiality provision and other previously supplied licensing terms. If the selecting user signals the computer that the user accepts the license agreement terms, the computer, upon receipt of license acceptance, provides the accepting user with unrestricted access on a confidential basis to the confidential second-level element of each selected stored two-part description.

In her previous Office Action, the Examiner rejected Applicant's previously pending broadest claims under 35 U.S.C. § 103 as unpatentable over Walker in view of Hall. The Examiner supported that § 103 rejection by citing the abstract of Walker and designated excerpts of the Walker patent written description.

Applicant's newly submitted independent Claim 26 has been drafted to clarify the substantial distinctions between Applicant's invention and the teachings of the Walker patent.

Before pointing out the differences between the language of new Claim 26 and Walker, Applicant presents the FIG. 2 diagram

which generally summarizes the transaction methodology taught by Walker:

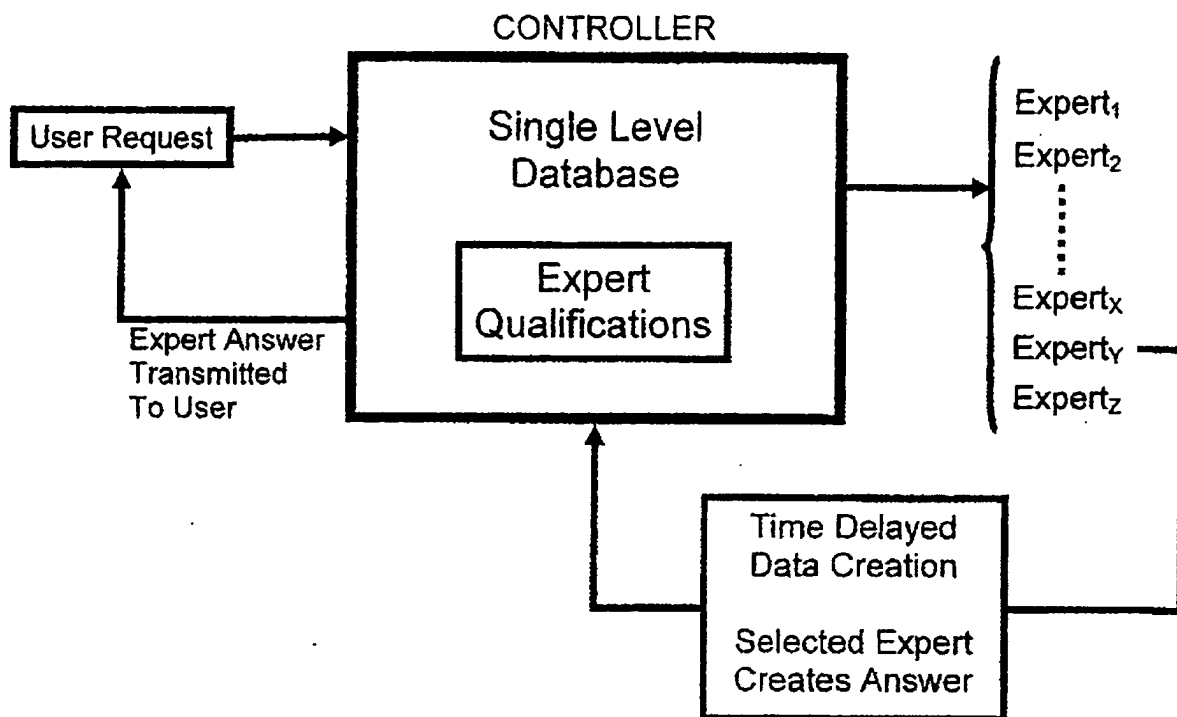


Fig. 2

As illustrated in FIG. 2, Walker teaches a multi-step, time delayed communications process where a controller accesses and reads only a single-level database which stores only the qualifications of a group of participating experts. That conclusion is confirmed by the text of Walker's abstract:

Abstract

The present invention is an expert matching method and apparatus for managing communications between an expert having particular qualifications and an end user seeking a solution to an expert request. In a preferred embodiment, the apparatus of the present invention includes a controller having a database for storing expert qualifications. In one embodiment, the controller receives an expert request. A search program identifies experts qualified to respond to the expert request. The expert request is then transmitted to the expert, which results in an expert answer transmitted to and received by the central controller. After authentication of the expert answer, using a wide range of security levels from passwords to cryptography, the answer is forwarded to the end user. The method and apparatus of the present invention have applications on the Internet as well as conventional voice telephony systems.

Claim 1 of the Walker patent reproduced below for the Examiner's convenience further confirms the multi-step, time delayed communication and generations of a response by a selected expert:

1. An expert matching apparatus for managing communications between an expert having particular qualifications and an end user seeking a solution to an end user request, comprising:

a controller unit for receiving an end user request generated by an end user, the controller unit having a database for storing therein a plurality of qualifications for a plurality of experts, each expert qualification associated with an address corresponding to a particular expert;

means for searching the database to generate a search result containing expert qualifications which correspond to the end user request;

means for guaranteeing payment to the expert for services rendered to the end user;

means for initiating remittance of payments to the experts;

means for transmitting at least a portion of the end user request to the expert address based on the search result;

means for receiving an expert answer corresponding to the end user request transmitted; and

means for transmitting at least a portion of the expert answer to the end user.

A key distinction between the teachings of the Walker patent and Applicant's Claim 26 invention relates to the fact that Walker discloses only a single level database including information relating only to expert qualifications. The requested expert response has not been created and does not exist until after the Walker system has selected a particular expert based upon the content of a user request as matched to an existing single level database of expert qualifications. The Walker system ultimately functions to match a single user request with a single expert. Only after that person to person matching step has been completed does the expert take up the user's request and formulate an expert answer. The Walker system continues its serially time-sequenced operations by subsequently arranging and coordinating payment methods. The Walker system ultimately transmits the custom prepared expert response to the user once payment arrangements have been finalized.

The Abstract and Claim 1 of the Walker patent taken together with Applicant's FIG. 2 diagram forcefully demonstrate that the subject matter disclosed by Walker can readily be distinguished from the subject matter of Applicant's claimed method as set forth in newly submitted Claim 26.

Applicant's Claim 26 invention as illustrated in Applicant's simplified FIG. 1 diagram includes a two-level information database including from a time before a search has been initiated both a non-confidential, searchable and fully accessible first-level element having data content restricted to a basic description of an originator's proposal. Only after a user has completed a first search of the information database, has selected a specified originator's non-confidential basic description and has agreed to the terms of a license agreement, does Applicant's claimed method permit access on a confidential basis to the existing, but not previously accessible second-level element of the two-part description. Applicant's claimed second-level element of the stored database includes a complete, fully detailed description of the originator's proposal.

In Applicant's Claim 26 invention, before a search is initiated by a user the "originator's proposal" is already stored in the information database in two parts comprising a first-level non-confidential general description and a second-level confidential detailed description. In contrast, the expert-matching apparatus of the Walker system merely facilitates service transactions regarding expert services that have not yet been rendered. While Applicant's claimed invention does rely on the concept of time sequencing as it relates to an initial search of the non-confidential first-level element of the information database with subsequent access to and review of the corresponding confidential second-level element only after agreeing to a license

agreement, Claim 26 makes it clear that Applicant's method operates "to facilitate and control sequential access to a two-level information database" which exists as of the time that the initial search of the first-level elements is accomplished. Claim 26, subparagraph (c) specifically recites that the two-part descriptions represent "stored" data rather than the later-created, non-searchable (because it does not exist at the time of the search) and not "stored" expert answer taught by Walker.

In other words, a user's ability to search Applicant's previously existing stored two-level information database is time-sequenced and delayed only until the user has accepted the license agreement terms. Walker, on the other hand, discloses only a single-level database which stores only personal information in the form of expert qualifications. Walker fails to teach or suggest a two-level information database including either a non-confidential first-level element in the form of a searchable and accessible basic description of each originator's proposal or a confidential second-level element which exists at the time that the initial search is conducted, but cannot be accessed until the license agreement terms have been accepted.

As presently recited in Claim 26, no aspect of Applicant's invention is either taught or suggested by the Walker patent. That conclusion is confirmed and reinforced by the text of the Walker patent cited by the Examiner at Columns 16-17 and at Column 38. The Column 16 and 17 disclosure cited by the Examiner confirms that the

user "searches expert database 255 for appropriate experts to answer end user request 120." That cited passage also explains how the user of the Walker system "will typically describe the required subject area of the expert, as well as the level of expertise necessary to answer end user request 120."

In further supporting her § 103 rejection of Applicant's previously pending claims, the Examiner cited selected text of the Hall patent. In the paragraph following the cited text, Hall recites several examples of "integrity restraints" on access to the contents of a database such as 1) "do not present this photograph without its associated credit" or 2) "if there is an article, there must also be a headline." Hall at Column 16, lns. 2-14. In other words, the Hall patent discloses what is referred to in the Abstract as a "rights management data structure" in the form of a database which allows access to data, but only according to certain rules requiring that certain data fields can only be accessed or acquired in a defined combination or grouping.

Hall's teaching that use-restricting rules be imposed on non-confidential rights management related data stored in a database discloses only a method for restricting the right to use two different forms of non-confidential data to, as Hall states, to enforce standards of use." Hall at Col. 16, lns. 14-15.

The Hall patent does not suggest as Applicant now claims a two-level information database including a plurality of two-part

descriptions consisting of non-confidential first-level elements in the form of a searchable and accessible basic descriptions of originators' proposals combined with related or matched confidential second-level elements in the form of searchable, but non-accessible detailed descriptions of originators' proposals.

When the teachings of the Walker patent are combined with the teachings of the Hall patent as applied by the Examiner to support her § 103 rejection of Applicant's prior claims, nothing remotely resembling Applicant's Claim 26 methodology is suggested. The database use rules imposed by Hall merely require an accessing user to procure and use a photograph together with the name of the photographer or that a newspaper article be procured and used together with its related headline. The database access "rules" taught by Hall merely require that a user access and use a defined combination of database elements, all of which are stored in a single-level, non-confidential data base. The Hall patent fails to teach or suggest Applicant's two-level non-confidential/confidential database system having first and second level descriptions of an originator's proposal where the second confidential level description can only be accessed on a time-sequenced basis after a user has received and accepted the terms of a license agreement.

For the reasons stated above, the combined disclosure of Walker and Hall fail to teach or suggest Applicant's invention as set forth in newly submitted Claim 26.

In Paragraph 5 of her prior Office Action, the Examiner rejected several previously pending dependent claims based on the combination of Walker and Hall, further in view of Shear. The Examiner specifically cited Column 8, lines 10-16 of Shear which reads as follows:

The present invention may also include an optional security system which allows an organization to prevent usage of all or a portion of an information database unless the user enters his security code. Multiple levels of security codes can be supported to allow restriction of an individual's access according to his security authorization level."

Applicant's newly submitted dependent Claim 28 recites the further step of providing an originator with the option of specifying license terms which permit users to continue to access, search, review and select the non-confidential first-level element of a selected second-level element for the duration of the license term.

The Shear patent teaches nothing more than issuing a security code to a specific individual or to a group of individuals to allow that individual or that group of individuals to freely access all contents of a specified level of a secure database. According to Shear, one security code would presumably be issued to one person or to a group of people at a single time and all such persons would thereafter have unrestricted access to all aspects of a specified subdivision of a secure database.

In contrast, Applicant's claimed invention does not merely control access to information in the two-level database; rather, Applicant's invention imposes a legally binding, confidential relationship necessary to preserve the element of secrecy and protect the trade secret and other proprietary rights accorded the confidential information embodied in the second-level element of the two-part description that is stored in the database. Applicant's claimed invention essentially locks up a single specified two-part description supplied by a specific originator upon acceptance of a license agreement by a selecting user. The database access option recited in dependent Claim 27 merely allows an originator to specify license terms which do not restrict access (Claim 27) or do restrict access (Claim 28) to a particular two-part description first-level element by any other user during the duration of the license. Applicant's claimed invention is quite specific. The teachings of Shear when properly analyzed bear no relationship whatsoever to the subject matter of any aspect of Applicant's newly submitted independent or dependent claims.

In view of the foregoing comments, neither Walker, Hall nor Shear, nor any combination thereof, teach or suggest any aspect of Applicant's newly submitted independent Claim 26 or the related dependent Claims 27-32.

Applicant will now address the different aspect of his claimed methodology recited in independent method Claim 33 and related

dependent Claims 34-39.

As illustrated by the FIG. 3 diagram below, newly submitted independent Claim 33 reverses the identity to the party which creates the two-level information database stored in the computer:

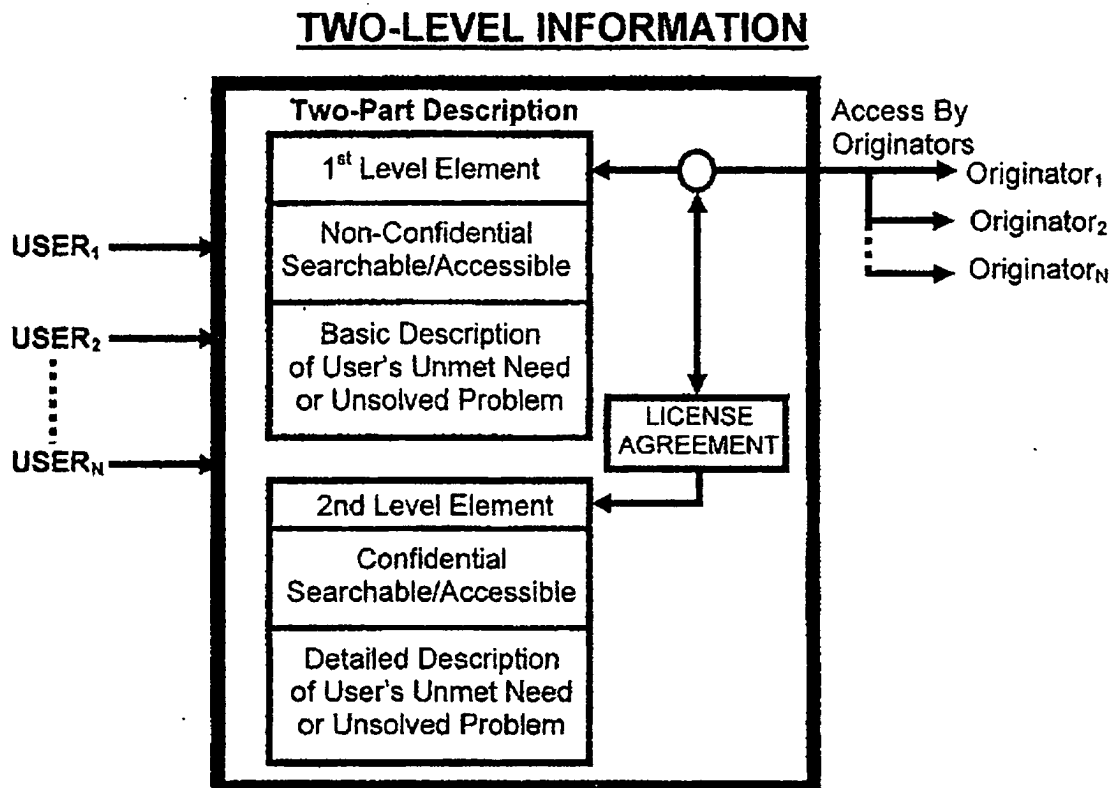


Fig. 3

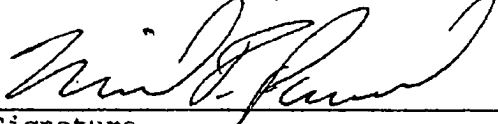
The arguments distinguishing Applicant's newly submitted independent Claim 32 and dependent Claims 33-39 essentially parallel those made above in connection with independent Claim 26 and dependent Claims 27-32.

Based on those previous arguments, Applicant asserts that his invention as recited in newly submitted Claims 33-39 are patentably distinct over the cited prior art references, whether taken singly or in combination.

In summary, Applicant's newly submitted Claims 26-39 now sharply distinguish Applicant's invention from the teachings of the cited Walker, Hall, and Shear prior art references. Accordingly, Applicant requests that the Examiner allow all claims.

To the extent the Examiner believes that further prosecution of the merits would be facilitated by a telephonic interview with the Applicant, the Examiner is respectfully requested to contact the Applicant Michael D. Powell, a member of the California State Bar at telephone number (408) 605-8806 at the Examiner's convenience.

Michael D. Powell, Inventor

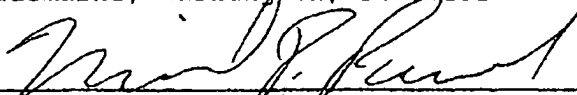

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